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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,757	08/31/2001	Luc De Ceulaer	450110-03516	2734
20999	7590	02/16/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			NGUYEN, NHON D	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/944,757	Applicant(s) CEULAER ET AL.	
	Examiner Nhon (Gary) D Nguyen	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-20 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-5 and 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohkura et al. ("Ohkura", EP 0790738 A2).

As per independent claims 1, 17, 19 and 20, Ohkura teaches a computer implemented method and corresponding system for an MHP television device including GUI application and a user input comprising the steps/means:

an MHP television device including a GUI application and a user input wherein the GUI application maintains at least one notional wheel to which activities and strings for representing the activities may be assigned and generates an image for display (e.g. fig. 5 and fig. 18; col. 6, lines 5-40 and col. 18, lines 11-35), the image including an edge of the notional wheel on which a predetermined number of the strings are arranged for display (e.g. fig. 18; col. 6, lines 5-40 and col. 18, lines 11-35), the GUI application being responsive to the user input both to rotate the notional wheel so as to display different strings (col. 6, lines 31-34) and to select any activity represented by a string on the notional wheel at a predetermined position of the image (e.g. fig. 10; col. 10, line 23 – col. 11, line 32).

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As per claims 3 and 18, Ohkura teaches the MHP television device according to claim 1 wherein the GUI application stores activities and their respective strings in groups (e.g. All, Movie, Sport, News, Bookmark; Area Z of fig. 6), the strings of each group being assigned to a respective notional wheel and being available for display on the edge of the respective notional wheel (Area Y of fig. 6 and fig. 18) and wherein the activities include groups, such that selection of a group causes the GUI application to generate an image including the edge of a notional wheel with the strings of the selected group (Area Y of fig. 6 and fig. 18 and col. 7, lines 4-11).

As per claim 4, Ohkura teaches the activities include television channels and the image includes a portion adjacent the predetermined position for displaying an internally assigned channel number corresponding to the channel currently represented by the string at the predetermined position (e.g. Channel numbers 10...21 in Area Y of fig. 6).

As per claim 5, Ohkura teaches the image includes function areas corresponding to predetermined functions, the GUI application being responsive to the user input to initiate the functions (fig. 12c; col. 14, lines 44-56).

As per claim 13, Ohkura teaches the GUI application only conducts a repaint operation to update an image for display upon receipt of an appropriate trigger, the GUI application then determining which part of the image requires an update and conducting a repaint operation for that part (col. 7, lines 4-11 and col. 10, line 23 – col. 11, line 32).

As per claim 14, Ohkura teaches the GUI application comprises a wheel data object for maintaining a list of activities in relation to the notional wheels and a string wheel object for providing data representing the displayed edge of the current notional wheel (e.g. fig. 5 and fig. 18; col. 6, lines 5-40 and col. 18, lines 11-35).

As per claim 15, Ohkura teaches the GUI application further comprises a main pane object responsive to the user input and an animator object wherein, responsive to the user input to rotate a notional wheel, the main pane creates an animation object for rotating the wheel and the animator object controls the animation object to change the data of the string wheel object on the basis of the data in the wheel data object (e.g. fig. 5 and fig. 18; col. 6, lines 5-40 and col. 18, lines 11-35; col. 10, line 23 – col. 11, line 32).

As per claim 16, since users can rotate the respective areas X, Y, Z and display desired information on a display screen shown in fig. 5 (col. 6, lines 31-34), it is inherent in Ohkura's system that each time the animator object controls the animation object to conduct a process to produce the next frame, the process returns the time to wait for the animation object to produce the following frame such that when a predetermined number of animations have been conducted for rotating the notional wheel, the animation object conducts a process to align the wheel relative to the re-determined position.

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 6, 8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkura in view of Ellis et al. ("Ellis", US 6,275,268).

As per claim 2, Ohkura does not disclose the MHP television device comprising one of a set top box and an integrated television. Ellis disclose television device with a set-top box (col. 8, lines 23-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Ellis of including a set-top box in Ohkura's MHP television system since it would have allowed subscribers to take advantage of an expanded line of services.

As per claim 6, Ohkura does not disclose responsive to selection of an edit function, the GUI application generates an edit image including the edge of a notional wheel. Ellis teaches that in col. 26, line 39 – col. 27, line 29. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Ellis of including an edit function and generating an edit image including the edge of a notional wheel in Ohkura's system since it would have allowed users conveniently modifying users' preference channels.

As per claim 8, Ohkura does not disclose the edit image includes a lock function area and the GUI application is responsive to the lock function such that the activity represented by the

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string currently at the predetermined position may be made available or unavailable for selection. Ellis discloses that in col. 20, line 55 – col. 21, line 31. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Ellis of including a lock function that make the channels available or unavailable in Ohkura's system since it would have allowed users to have a better control of which channels should be watched.

As per claim 10, Ellis further discloses responsive to the user input, the GUI application moves the string at the predetermined position to a temporary position so as to leave a space at the predetermined position or moves the string from the temporary position to the predetermined position, rotation of the notional wheel maintaining the space at the predetermined position such that a string may be moved out of one position on the notional wheel and back in to a different position (col. 26, line 58 - col. 27, lines 29).

As per claim 11, Ellis further discloses when a string is at the temporary position, the GUI application causes a copy function area to be displayed on the edit image and, responsive to selection of the copy function, the GUI application allows selection of other notional wheels, each with a space at the predetermined position, thereby allowing the insertion of the string from the temporary position into the other notional wheels (col. 26, line 58 - col. 27, lines 29).

As per claim 12, Ohkura does not disclose responsive to selection of a scan function, the GUI application generates a scan image including the edge of a notional wheel and a start function area, the GUI application being responsive to the start function area to initiate scanning

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of all available activities and to assign all of the detected activities and their respective strings to the notional wheel. Ellis discloses that in col. 13, line 54 – col. 14, line 6. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Ellis of including a scan function to initiate scanning of all available channels in Ohkura's system since users would have been provided with the ability to scan through program schedule information for any channel.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkura in view of Ellis and further in view of Salandro (US 6,519,540).

As per claim 7, Ohkura does not disclose the edit image includes a hide function area and the GUI application is responsive to the hide function such that the string currently at the predetermined position may be hidden or unhidden from display. Salandro discloses that in col. 7, lines 30-35. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Salandro of including a hide function such that the string may be hidden or unhidden from display in modified Ohkura's system since it would have allowed an unused channel to be removed from the display

***Allowable Subject Matter***

6. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



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7. The following is an examiner's statement of reasons for allowance:

As per claim 9, the prior art made of record fails to anticipate or make obvious the claimed invention. Specifically, the prior art fails to teach, in combination with the remaining elements:

Prior art such as Ohkura teaches an MHP television device including GUI application and a user input maintains at least one notional wheel to which activities and strings for representing the activities may be assigned and generates an image for display. However, this prior art, taken alone or in combination still fails to anticipate or render the limitation "the image including the edge of a notional wheel on which the string at the predetermined position of the notional wheel of the edit image is retained at the predetermined position and characters appear at other positions of the notional wheel, the GUI application being responsive to the user input both to rotate the notional wheel and move the string within the predetermined position, such that each character of the string can be changed in turn by rotating the notional wheel" as recited in claim 9.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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US 5808608 A to Young; Patrick et al. discloses background television schedule system.

US 5874954 A to Kilmer; Richard A.C. et al. discloses centricity-based interface and method.

US 6160551 A to Naughton; Patrick J. et al. discloses graphical user interface for displaying and manipulating objects.

### *Inquiries*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is (571)272-4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571)272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen  
December 9, 2004

  
**BAHUYNH**  
**PRIMARY EXAMINER**